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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :   Valerie AUTIER et al.

Serial No.: 10/541,493   Group Art Unit: 1614

Filed: July 7, 2005   Examiner: ZHANG, Nancy L.

Title: KYNURENINE 3-HYDROXYLASE INHIBITORS FOR THE TREATMENT OF
DIABETES BY INCREASING THE NUMBER OF ISLETES OF LANGERHANS CELLS

<u>REPLY</u>

Commissioner for Patents
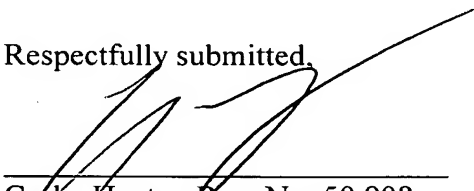P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Office Action mailed on December 21, 2006, applicants elect with

traverse Group II, claims 1-29, 33 and 53. As a species applicants elect with traverse the ninth

compound of original claim 46, which compound is also disclosed on pages 35 and 46 of the

specification, i.e., 2-(2'-naphthylthio)-4-phenyl-4-oxobutanoic acid. The traversal is on the

grounds that the patent office has not established that it would pose an undue burden to examine

the full scope of the claimed invention.

Additionally, applicants bring the attention of the Examiner to MPEP § 821.04,

Rejoinder, which states that "if the elected invention is directed to the product and the claims

directed to the product are subsequently found patentable, process claims [both process of

making and using] which either depend from or include all the limitations of the allowable

product <u>will be rejoined</u>." If the restriction requirement is maintained at this point, rejoinder

of the non-elected claims is respectfully requested at the proper time in accord with the

rejoinder provisions of the MPEP.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Attny. Docket No.: Merck-3029

Filed: **January 22, 2007**

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